

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JERRELL JACKSON,**

**Defendant.**

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**CASE NO. 8:09CR271**

**MEMORANDUM AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 36) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 24). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant, Jerrell Jackson, seeks an order suppressing evidence seized as a result of his encounter with law enforcement officers on April 17, 2009.<sup>1</sup> Judge Thalken concluded: Jackson failed to establish an expectation of privacy in the car in question once he abandoned the car keys in a trash container; officers were justified in conducting an investigatory detention of Jackson; the detention was not unreasonably long; the firearm was, or would have been, found in plain view; and Officer Becker's discovery of the firearm inside the car while he walked around the car provided probable cause for the search of the car.

Notwithstanding the absence of objections, under 28 U.S.C. § 636(b)(1)(C) the Court has conducted a de novo review of the record. The Court has read the parties' briefs

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<sup>1</sup>The Defendant withdrew the portion of the motion relating to any statements made. (Filing No. 35, at 44.)

(Filing Nos. 25, 29) and the transcript (Filing No. 35). Because Judge Thalken fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 36) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 24) is denied.

DATED this 25<sup>th</sup> day of November, 2009.

BY THE COURT:

S/Laurie Smith Camp  
United States District Judge